

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

MGUNDA MAJAGA

: **DOCKET NO. 2:06-cv-2410**
Section P

VS.

: **JUDGE MINALDI**

**IMMIGRATION & CUSTOMS
ENFORCEMENT, ET AL.**

: **MAGISTRATE JUDGE WILSON**

SUPPLEMENTAL REPORT AND RECOMMENDATION

Before the court is a petition for writ of habeas corpus filed by *pro se* petitioner, Mgunda Majaga, pursuant to 28 U.S.C. §2241. By this petition, petitioner seeks review of his custody status. This matter was referred to the undersigned magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. § 636(b)(1)(B).

Petitioner is a citizen of Tanzania who is subject to a removal order which became final on June 19, 2006. Following the initial review of this matter, the undersigned determined that an evidentiary hearing was necessary. An evidentiary hearing was held on May 10, 2007. After considering the evidence presented at the evidentiary hearing, the undersigned issued a Report and Recommendation dated May 16, 2007, finding that petitioner's had failed to establish that there was no significant likelihood of removing him from the United States in the reasonably foreseeable future. Thus, it was determined that petitioner's detention was lawful. [doc. 19]. Since the issuance of the Report and Recommendation in this case, no judgment was signed, and this case remained pending. On October 4, 2007, the government came forward with summary judgment evidence which establishes that petitioner was released from post-removal-order detention via his deportation to Tanzania on August 14, 2007. [Doc. 20, Exhibit 1].

Because the summary judgment type evidence before the court establishes that petitioner is no longer in custody, the court finds that his challenge to his post-removal-order detention is now moot and should be dismissed.

Accordingly,

IT IS RECOMMENDED that the petition be DENIED and DISMISSED as moot.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTIONED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, October 9, 2007.



ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE